

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his family who have remained in immigration detention for more than 42 months (three and a half years).

The first reports¹ 1002759 and 1002758 were tabled in Parliament on 14 October 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1985

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master P (son)
Citizenship	Country A	Country A	Country A
Year of birth	1983	2010	2011

Ombudsman ID	1002210-O
Date of DIBP's reports	31 October 2015 and 30 April 2016
Total days in detention	1276 (at date of DIBP's latest report)

Detention history

1 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 510 <i>Oldsmobile</i> . They were transferred to an Alternative Place of Detention (APOD), Christmas Island. ²
6 November 2012	Transferred to Christmas Island Immigration Detention Centre.
15 December 2012	Transferred to Darwin Airport Lodge APOD.
24 December 2012	Transferred to Inverbrackie APOD.
1 February 2013	Transferred to community detention.

Visa applications/case progression

23 January 2013	The former Minister intervened under s 197AB to allow Mr X and his family to reside in community detention.
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¹ Mr X was previously reported on separately from Ms Y and their children because at the time of the Ombudsman's last report the couple were separated. The Department of Immigration and Border Protection (DIBP) advised that Mr X and Ms Y have since reconciled and the family has resided together in community detention since 3 June 2015.

² DIBP did not provide a full detention history for Mr X and his family in their 24-month and 30-month reviews.

13 March 2014	DIBP notified Mr X and his family of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when considering the family's protection claims.
13 August 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
19 August 2015 and 15 September 2015	DIBP invited Mr X and his family to lodge a temporary visa application.
29 December 2015	Lodged a Temporary Protection visa (TPV) application which triggered an associated Bridging visa application.
19 February 2016	Associated Bridging visa application deemed invalid.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X was monitored as per state policy after being identified as a tuberculosis contact, with no concerns identified. He also received psychological counselling to assist him with anger management and impulsive behaviour.

Ms Y

IHMS advised that Ms Y underwent genetic counselling after disclosing a strong family history of breast cancer and reporting to be stressed about her risk of developing the condition. She was referred for a prophylactic mastectomy and reconstruction in August 2015 and is monitored by a specialist while she waits for surgery to be scheduled. She also received ongoing treatment for polycystic ovarian syndrome and was hospitalised in November 2015 after presenting with pelvic pain.

IHMS further advised that Ms Y is prescribed with antidepressant medication and was monitored by a general practitioner for her known history of anxiety and depression.

Miss Z

IHMS advised that Miss Z underwent an echocardiograph on 1 January 2015 with no abnormalities identified. She was also monitored for tuberculosis as per state policy after being identified as a contact.

Master P

IHMS advised that Master P has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

³ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

Case status

Mr X and his family were detained on 1 November 2012 after arriving in Australia aboard SIEV *Oldsmobile* and have been held in detention for over three and a half years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X and his family to apply for a temporary visa and on 29 December 2015 the family lodged a TPV application.